

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JERMICHAEL BROWN, JR.,

Plaintiff,

v.

MUSKEGON RIVER YOUTH HOME, LLC,
et al.,

Defendants.

Case No. 1:25-cv-442

HON. JANE M. BECKERING

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ORDER

Defendants Mecosta-Osceola Intermediate School District and Mecosta-Osceola Intermediate School District Board of Education filed a Motion to Dismiss (ECF No. 17). Among Defendants’ arguments is the argument that some of Plaintiff’s claims do not “contain either direct or inferential allegations respecting all material elements necessary for recovery under a viable legal theory.” *Kreipke v. Wayne State Univ.*, 807 F.3d 768, 774 (6th Cir. 2015). If true, the claims would be properly subject to dismissal under Rule 12(b)(6) of the Federal Rules of Civil Procedure. Without expressing any view as to the merits of the motion, the Court will afford Plaintiff the opportunity to cure the allegedly inadequate pleading by granting Plaintiff leave to file an amended complaint, as allowed by Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure. Any amended complaint must plead sufficient factual allegations that, if true, would “plausibly give rise to an entitlement to relief” under a viable legal theory. *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009); *see Kreipke, supra*. If Plaintiff timely files an amended complaint, then the Court will deny the motion

to dismiss as moot. If Plaintiff does not timely file an amended complaint, then Plaintiff must file a response to the motion to dismiss, and the Court will decide the motion.

Accordingly:

IT IS HEREBY ORDERED that Plaintiff must file either (a) an amended complaint within 21 days after service of the motion to dismiss, FED. R. CIV. P. 15(a)(1)(B); or (b) a response to the motion to dismiss within 28 days after service of the motion to dismiss, W.D. Mich. LCivR 7.2(c).

Dated: July 10, 2025

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Judge